

ESTTA Tracking number: **ESTTA739143**

Filing date: **04/11/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91226616
Party	Defendant Burnt Orange Productions
Correspondence Address	SHOKO NARUO THOMPSON COBURN LLP 505 N 7TH ST , SUITE 2700 SAINT LOUIS, MO 63101-1693 UNITED STATES ipdocket@thompsoncoburn.com
Submission	Answer
Filer's Name	Michael A. Parks
Filer's e-mail	mparks@thompsoncoburn.com, hal-shathir@thompsoncoburn.com, urogers@thompsoncoburn.com, ipdocket@thompsoncoburn.com
Signature	/Michael A. Parks/
Date	04/11/2016
Attachments	answer.PDF(67438 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Nightmare Football, LLC,)	
)	
Opposer,)	TTAB Opp. No. 91226616
)	
v.)	U.S. Serial No. 86/399,110 for
)	NIGHTMARE FANTASY
)	FOOTBALL
Burnt Orange Productions,)	
)	
Applicant.)	U.S. Serial No. 86/399,124 for
)	NIGHTMARE FOOTBALL
)	
)	

Burnt Orange Production's Answer

This is Applicant Burnt Orange Productions' ("Applicant") Answer to the Amended Notice of Opposition filed by Opposer Nightmare Football, LLC ("Opposer"). To the extent any allegation of the Amended Notice of Opposition is not expressly and specifically admitted, that allegation is hereby denied.

Applicant answers the Amended Notice of Opposition as follows:

1. Denied.
2. Applicant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 2.
3. Applicant admits Joshua Clark, Joseph Judy and Jeff Stacey discussed a fantasy football league. Applicant denies the remaining allegations of Paragraph 3, including any suggestion that Mr. Clark conceived of or initiated the discussion of a nightmare fantasy football league.
4. Applicant admits Mr. Stacey, Mr. Clark and Mr. Judy discussed a fantasy football league. During that discussion, Mr. Clark and Mr. Judy agreed Applicant should seek to secure

trademark protection for names for a fantasy football league in the name of Burnt Orange Productions. Applicant denies the remaining allegations of Paragraph 4.

5. Applicant admits Mr. Stacey agreed to consult with an attorney regarding the formation of a corporate entity and filing of a trademark application. Applicant denies the remaining allegations of Paragraph 5.

6. Applicant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 6.

7. Applicant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 7.

8. Applicant admits it retained the law firm of Thompson Coburn LLP to file a trademark application for NIGHTMARE FOOTBALL (Appl. Serial No. 86/399,124) and NIGHTMARE FANTASY FOOTBALL (Appl. Serial. No. 86/399,110) for “fantasy football services” in International Class 41. Applicant denies the remaining allegations of Paragraph 8.

9. Applicant admits Opposer’s counsel sent Applicant a letter demanding Applicant abandon its pending trademark applications. Applicant lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations of Paragraph 9.

10. Applicant admits it has engaged in discussions with Opposer in an effort to resolve the dispute between them. Applicant denies the remaining allegations of Paragraph 10.

11. Denied.

12. Denied.

13. Applicant admits it has advised Opposer that Applicant rightfully owns the pending trademark applications and the rights related thereto. Applicant denies the remaining allegations of Paragraph 13.

14. Applicant admits Opposer has formed a company and Opposer is using the NIGHTMARE FOOTBALL name without permission. Applicant denies the remaining allegations of Paragraph 14.

15. Denied.

16. Applicant lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 16.

17. Denied.

18. Denied.

19. Denied.

20. Denied.

21. Applicant admits Opposer makes the allegation stated in Paragraph 21, but Applicant denies Opposer has any legal right to use the NIGHTMARE FOOTBALL mark.

ACCORDINGLY, Applicant respectfully requests that the Board enter judgment in Applicant's favor, dismiss the opposition with prejudice, and grant all other and further relief to which Applicant is entitled.

Respectfully submitted,

By: /s/ Michael A. Parks

Michael A. Parks

Hadi S. Al-Shathir

Shoko Naruo

THOMPSON COBURN LLP

55 East Monroe Street, 37th Floor

Chicago, IL 60603

(312) 346-7500

mparks@thompsoncoburn.com

hal-shathir@thompsoncoburn.com

snaruo@thompsoncoburn.com

Attorneys for Applicant

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **Burnt Orange Production's Answer** was sent via First Class Mail, postage prepaid, this 11th day of April, 2016, to the following:

Adam R. Villanueva
Connor Haskins
Fears Nachawati, PLLC
4925 Greenville Avenue #715
Dallas, Texas 75206

/s/ Hadi S. Al-Shathir